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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,058	READ, ROBERT LEE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alessandro V. Amari	2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/14/2005.
2. ☒ The allowed claim(s) is/are 1,3,4,6-13,15 and 17-20.
3. ☒ The drawings filed on 16 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>4/14/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### REASONS FOR ALLOWANCE

1. Claims 1, 3, 4, 6-13, 15 and 17-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "ocular reflecting surface of same shape but of different size, a means of positioning said objective reflecting surface and said ocular reflecting surface consisting of a solid material that is substantially transparent to some electromagnetic radiation and fills the inner space between the objective reflecting surface and the ocular reflecting surface" as set forth in the claimed combination.

Claims 3, 4, 6-12, and 18-20 are also allowable based upon their dependence on claim 1.

Claim 13 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "ocular reflecting surface of same shape but of different size, a means of positioning said objective reflecting surface and said ocular reflecting surface that is a solid material that is transparent to some electromagnetic radiation and fills the inner space between the two surfaces" as set forth in the claimed combination. Claims 15 and 17 are also allowable based upon their dependence on claim 13.

The prior art of record, Li teaches an optical apparatus comprising an objective reflecting surface in the shape a truncated half-paraboloid formed by revolving a parabola about its axis for only 180 degrees of a full a revolution such that there is a plane defined by the optical axis and the parabolic edge of the surfaces, an ocular

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reflecting surface which is of the same shape and size such that the axes of these two surfaces are substantially collinear but point in opposite directions, their focal points are at substantially the same shared point, and the planes formed between the optical axis and the parabolic edge of each surface are in the same plane in space. However, the prior art of record does not teach that the ocular reflecting surface of same shape but of different size, a means of positioning said objective reflecting surface and said ocular reflecting surface that is a solid material that is transparent to some electromagnetic radiation and fills the inner space between the two surfaces and there is no motivation or teaching to modify this difference as derived.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava *Q14*  
28 June 2005

  
MARK A. ROBINSON  
PRIMARY EXAMINER